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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,679	12/14/2000	John E. Schier	062891.0434	2124

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EXAMINER	
TESLOVICH, TAMARA	

ART UNIT	PAPER NUMBER
2137	

NOTIFICATION DATE	DELIVERY MODE
06/20/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	Application No. 09/737,679	Applicant(s) SCHIER, JOHN E.	
	Examiner Tamara Teslovich	Art Unit 2137	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 5/1/07.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6-14, 19-31 and 34-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-14, 19-31, 34-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 1, 2007 has been entered.

Claims 5, 15-18, and 32-33 are cancelled.

Claims 1, 19 and 24 are amended.

Claims 1-4, 6-14, 19-31, and 34-36 are pending and herein considered.

### ***Response to Arguments***

Applicant's arguments filed March 21, 2007 have been fully considered but they are not persuasive.

Applicant submits that one in skilled in the art would reasonably conclude that the Applicant had possession of a communication module comprising a delay timer and that the claims, drawings, and specification support such a claim. The Examiner respectfully disagrees with the Applicant's conclusion for a number of reasons. Firstly, the Examiner would like to draw attention to the claims, claims which have only recently been amended to include within the communication module the delay timer. Up until the most recent set of amendments submitted March 21, 2007, Applicant's independent

claims have always included a limitation wherein the communication module was "coupled" to a delay timer. At no point in the prosecution thus far, have the claims clearly expressed an intention to claim a communication module including a delay timer. Additionally, the Examiner cannot understand why each independent claim would need to include a limitation "isolating the communication module and the delay timer from the network" if it were in fact the case that the communication module included the delay timer. The fact that the Applicant found it necessary to specifically include both pieces suggests that they are in fact two separate pieces and that the communication module does not in fact encompass the delay timer.

Secondly, the Examiner would like to take this opportunity to discuss figure 1 with respect to the communication module and delay timer module. Looking exclusively at figure 1, there is no suggestion within the drawing that communication module 101 encompasses delay timer module 103. As it is drawn, two distinct and separate boxes contain the two pieces, situated side by side and not within one another, as if to suggest their coupling or connection. Were it the Applicant's intention to include within the communication module and convey such an intention to one skilled in the art, he should have included the delay timer (103) box within the communication module (101) box to show that the delay timer was in fact just a part of the communication module and not a distinct and separate piece. The Examiner has re-examined each of the drawings submitted by the Applicant for any indication that the Applicant had meant to include the delay timer module within the communication module. Instead, she has come upon

Figure 4 wherein it is once again clear that the communication module (407) is distinct and separate from the delay timer module (416) although coupled in some way.

Third, the Examiner is unable to find significant support within the specification that it was in fact the Applicant's intention to include the delay timer within the communication module. Applicant points to page 7, lines 29-31, which is in fact the only line within the reference that includes the words "communication module" "includes" and delay timer". However, in looking closer at this sentence the Examiner is unsure whether the communication module includes the communication port and a delay timer, or if the "includes" refers merely to the communication port. In order to clear up such an ambiguity, the Examiner has looked to the rest of the reference for some indication or support. However, nowhere else in the specification is any mention made of the communication module including the delay timer. In fact, numerous mentions are made of the communication module coupled to the delay timer, but none of them 'including'. Furthermore, Applicant's mention on page 8 lines 15-17 that "system 100 may be integrated into a single electronic device" fails to provide support for the communication module including the delay timer module. Although it provides support for all the pieces to be integrated into one physical device, there is no suggestion of including within the communication module the delay timer module, or any other module within one another.

In view of the abovementioned arguments, the Examiner has no choice but to maintain those objections and rejections set forth previously and included below. The Examiner welcomes the Applicant to point out those portions of the specification that

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support the limitations in question so that she might reconsider the claims in light of the material currently lacking support.

***Claim Rejections - 35 USC § 112***

Claims 1-4, 6-14, 19-31, and 34-36 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicant's "isolating the delay timer" in claims 1, 19, and 24 remains unsupported by the specification.

Applicant's newest addition of "the communication module including a delay timer" to claims 1, 19, and 24 is unsupported by the specification.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-4, 6-9, 11, 19, 21, 24, 25, 28, 30, 31, and 34-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Landwehr et al (US Patent No 5,892,901).**

Regarding **claim 1**, Landwehr teaches a method for providing a secure operating environment for a network accessible system comprising accessing a delay timer operably coupled to a communication module, the delay timer including a delay time interval (col.5 lines 29-34); comparing the delay time interval to an activity associated with the system communication with the network (col.3 lines 45-65) the activity being any communication between the system and the network (col.1 lines 50-51); and isolating the communication module from the network based on the comparison (col.3 lines 4-6; col.3 lines 26-28; col.4 lines 31-40) without terminating all power supplied to the communication module (col.2 lines 13-16).

Regarding **claim 2**, Landwehr teaches disabling the communication module if the communication module remains idle for a time period greater than the delay time interval (col.3 lines 59-65).

Regarding **claim 3**, Landwehr teaches the disabling includes reducing a power state associated with the communication module (col.2 line 65 thru col.3 line 6).

Regarding **claim 4**, Landwehr teaches detecting a user initiated request to access the network; altering the power state of the communication module; initializing the communication module to communicate with the network; and initializing the delay timer (col.3 lines 25-65).

Regarding **claim 6**, Landwehr teaches the isolating further comprises disconnecting a communication port associated with the communication module (col.4 lines 30-34).

Regarding **claim 7**, Landwehr teaches initializing the delay time in response to the system initiating communication with the network (col.3 lines 32-38).

Regarding **claim 8**, Landwehr teaches adjusting the delay time interval using a software interface associated with a delay timer (col.4 lines 49-57).

Regarding **claim 9**, Landwehr teaches adjusting the delay time interval using a hardware interface associated with the delay timer (col.4 lines 49-57).

Regarding **claim 11**, Landwehr teaches accessing a network location; Disabling the communication module upon the communication module being idle for a time period greater than the delay time interval; and enabling the communication module upon determining a request to access the network location (col.3 lines 25-65).

**Claims 19 and 21** are substantially equivalent to claims 1 and 11 respectively, therefore claims 19 and 21 are rejected because of similar rationale.

Regarding **claim 24**, Landwehr teaches a communication module operable to communicate information via the network (col.2 lines 65 thru col.3 line 6); a delay timer operably coupled to the communication module (col.5 lines 29-34); and the delay timer including a delay time interval and operable to disable communication between the network and the communication module (col.5 lines 29-34) without terminating all power to the communication module in response to a comparison of the delay time interval to any communication through the communication module (col.2 lines 13-16).



Regarding **claim 25**, Landwehr teaches a data bus coupled to the communication module and a processor; and the data bus operable to communicate information based on the delay time interval (col.2 line 61 thru col.3 line 7; col.3 lines 59-65).

Regarding **claim 28**, Landwehr teaches the delay time interval programmed via an interface associated with the delay timer (col.5 lines 29-34).

Regarding **claim 30**, Landwehr teaches a power state operably associated with the delay timer and the power state operable to provide power to the communication module (col.3 lines 22-25).

Regarding **claim 31**, Landwehr teaches a communication port communicatively coupling the communication module and the network; and the communication port operable based on the delay time interval (col.4 lines 30-34).

Regarding **claims 34-36**, Landwehr teaches wherein the network implements a TCP/IP transport language protocol (col.2 line 61 thru col.3 line 7).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject

matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 10, 20, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landwehr, and further in view of Namma et al (US Patent No 6,185,615).**

Regarding **claim 10**, Landwehr teaches the method of claim 1, but does not teach locating a reference within a memory associated with the delay timer, the reference operably associated with enabling the communication module; and removing the reference in response to the communication module being idle for a time period greater than the delay time interval.

Namma does teach locating a reference within a memory associated with the delay timer, the reference operably associated with enabling the communication module (col.6 lines 17-48); and removing the reference in response to the communication module being idle for a time period of greater than the delay time interval (col.6 lines 40-48). It would have been obvious to one of ordinary skill in the art to combine Landwehr's secure identification system with Namma's teaching of removing data associated with communication connection in order to provide an improved method of disconnecting communication between client and servers (Namma col.1 lines 52-54; col.6 lines 1-9).

**Claim 20** is substantially equivalent to claim 10 and is rejected because of similar rationale.

Regarding **claim 27**, Namma teaches a communication module reference operable to be stored within memory (col.6 lines 18-22).

**Claims 12-14, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landwehr, and further in view of Namma et al and Virtanen (US Patent No 6,249,681).**

Regarding **claim 12**, Landwehr teaches disabling the communication module upon the communication module remaining idle for a time period greater than the delay time interval (col.3 lines 59-65), but does not teach storing a network reference operable to identify the network location; removing a communication module reference from a memory stack associated with the communication module, the communication module reference associated with enabling the communication module; and copying the communication module reference to the memory stick upon detecting a request by the system to access the network location.

Namma teaches storing a network reference operable to identify the network location removing a communication module reference from a memory stack associated with the communication module, the communication module reference associated with enabling the communication module (col.6 lines 17-48). It would have been obvious to one of ordinary skill in the art to combine Lanwehr's secure identification system with Namma's teaching of removing data associated with communication connection in order

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to provide the improved method of disconnecting communication between clients and servers (Namma col.1 lines 52-54; col.6 lines 1-9).

Virtanen teaches storing a network reference operable to identify the network location (col.4 lines 21-43), disabling the communication module upon the communication module remaining idle for a time period greater than the delay time interval (col.2 lines 42-51), and copying the communication module reference to the memory stack upon detecting a request by the system to access the network location (col.5 lines 1-7). It would have been obvious to one of ordinary skill in the art to combine Landwehr's secure identification system with Virtanen's teaching of re-establishing communication in order to provide an improved and more efficient method that re-establishes communication between the parties after communication has been disconnected, interrupted, or disabled (col.3 lines 23-33; col.3 lines 40-58).

Regarding **claim 13**, Landwehr, Namma and Virtanen teach the method of claim 12, in addition Virtanen teaches enabling the communication module and accessing the network location using the network reference (col.5 lines 1-7).

Regarding **claim 14**, Landwehr, Namma, and Virtanen teach the method of claim 12, in addition Landwehr teaches initializing the delay timer upon detecting a user initiated request to access the network (col.3 lines 32-37).

**Claims 22 and 23** are substantially equivalent to claims 12 and 13 respectively and are rejected because of similar rationale.

**Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Landwehr, and further in view of Virtanen.**

Regarding **claim 26**, Landwehr teaches the device of claim 24, but does not teach a memory operable to store the delay time interval. Virtanen teaches a memory operable to store the delay timer interval (col.6 lines 38-40; col.8 lines 54-62). It would have been obvious to one of ordinary skill in the art to combine Landwehr's secure identification system with Virtanen's teaching of re-establishing communication in order to provide an improved and more efficient method that re-establishes communication between parties after communication has been disconnected, interrupted, or disabled (col.3 lines 23-33; col.3 lines 40-58).

**Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Landwehr, and further in view of Yoshida (US Patent No 5,495,480).**

Regarding **claim 29**, Landwehr teaches the device of claim 28 but does not teach the delay time interval programmed using a delay time interval reference and a communication module reference. Yoshida teaches the delay time interval programmed using a delay time interval reference and a communication module reference (col.1 lines 34-35; col.2 lines 21-41; col.3 lines 20-27; col.5 lines 10-43). It would have been obvious to one of ordinary skill in the art to combine Landwehr's secure identification system with Yoshida's teachings of a disconnecting timer circuit in order to provide a

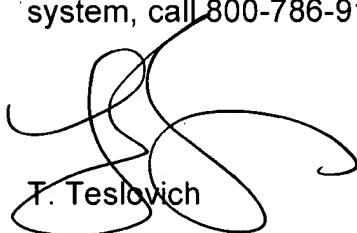
time dependent disconnecting circuit that is able to accommodate higher level applications (Yoshida col.1 lines 35-60).

### ***Conclusion***

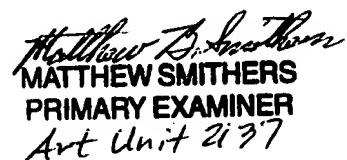
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara Teslovich whose telephone number is (571) 272-4241. The examiner can normally be reached on Mon-Fri 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



T. Teslovich



MATTHEW SMITHERS  
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Art Unit 2137